

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

BRENDA GREEN, *et al.*)
Plaintiffs)
)
vs.) Civil Action No. 3:17-cv-149-MPM-JMV
)
MANAGEMENT & TRAINING)
CORPORATION, *et al.*,)
Defendants)

**PLAINTIFFS' RESPONSE IN OPPOSITION TO THE DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

The Plaintiffs, Brenda Green, widow of John R. Green, III, and Sherri G. Foshee, John R. Green, IV, and Kelly G. Pittman, adult children of John R. Green, III, through counsel and pursuant to the Federal Rules of Civil Procedure, file this Response in Opposition to Defendant MTC's Motion for Summary Judgment, and would show in support the following::

1. Plaintiffs admit paragraphs 1 through 7 of the Motion for Summary Judgment.
2. Plaintiffs deny that they have failed to present genuine issue of material fact

Affirmatively, Plaintiffs have shown:

- a. MTC has a custom or policy of understaffing the Marshall County Correctional Facility in order to increase its profitability, thereby putting prisoners, including John R. Green, III, at risk to their safety when emergencies arise because of lack of staff to respond quickly to the emergencies.
- b. The custom or policy is deliberately indifferent to the serious medical needs of the prisoners, including John R. Green, III. and violated his 8th Amendment right to medical care for his serious medical needs.

- c. An MTC correctional officer, Dorothy Gray, was grossly negligent when she slept at her post in the tower overlooking Bravo 2 Dorm where John R. Green was in the throes of a cardiac emergency.
- d. MTC is vicariously liable to the plaintiffs as wrongful death beneficiaries for the gross negligence of its employee, Dorothy Gray, which proximately caused the death of John R. Green, III.
- e. John R. Green, III, died because no corrections officer alerted the medical staff of his emergency until it was too late to save him.

3. In support of this Response, the Plaintiffs offer their accompanying Memorandum of Facts and Authorities and the following exhibits:

- Defendant's Exhibit B, the Amended Complaint
- Defendant's Collective Exhibit E, Declaration of Kevin Wilson and Sworn Affidavit by Adam Lee Pinkton
- Plaintiffs' Exhibit "1", Excerpts from deposition of Jadominique Phillips
- Plaintiffs' Exhibit "2", email from attorney Darryl Wilson to attorney Ron Lewis
- Plaintiffs' Exhibit "3", Affidavit of Linda Smith
- Plaintiffs' Exhibit "4" (RESERVED)
- Plaintiffs' Exhibit "5", (RESERVED)
- Plaintiffs' Exhibit "6", MCCF roster sheet for 10 to 6 shift on 12/31/16-01/01/17
- Plaintiffs' Exhibit "7", Excerpts from deposition of Robyn Williams
- Plaintiffs" Exhibit "8" Excerpts from deposition of Laterika Martin
- Defendant's Exhibit I, Excerpts from deposition of Dr. Evan L. Brittain

- Plaintiffs' Exhibit "9", Spoliation letter from Attorney Ron Lewis to Mr. Timothy Outlaw, Warden, dated March 13, 2017
- Plaintiffs' Exhibit "10", Ron Lewis email to Attorney Jared Garner, dated August 24, 2017 and his reply on August 25, 2017 (one page)

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court deny MTC's motion for Summary Judgment on Plaintiffs' federal and state law claims. The Plaintiffs pray for any other relief to which they are entitled in the premises.

Dated: July 12, 2019

RESPECTFULLY SUBMITTED

By: **BRENDA GREEN, et al.**
/s/ Ronald W. Lewis
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CERTIFICATE OF SERVICE

I do hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court using the Court's CM/ECF system which sent notification of such filing to all counsel of record.

RESPECTFULLY SUBMITTED this the 11th day of July, 2018,

/s/ Ronald W. Lewis
RONALD W. LEWIS